MYSORE ACT No. II OF 1901.

THE MYSORE GAME AND FISH PRESERVATION ACT, 1901.

(PASSED ON THE 8TH DAY OF APRIL 1901.)

An Act to prevent the indiscriminate destruction of Wild Animals and Birds, and to provide for the protection of Game and Fish in [1][the State of Mysore except Bellary District].

Preamble.

WHEREAS it is expedient to prevent the indiscriminate destruction of wild animals and birds, and to provide generally for the protection of game and fish in [1][the State of Mysore except Bellary District], Her Highness the Maharani-Regent is pleased to enact as follows :—

Short title.

1. (1) This Act may be called the "Mysore Game and Fish Preservation Act, 1901."

Extent and commencement.

(2) It shall extend to such local areas as may from time to time be specified by Government by notification in the *Official Gazette.*

(3) And it shall come into force at the end of six months from the date of its publication in the *Official Gazette.*[2]

"Game" defined.

2. In this Act "Game" means antelope, ibex, jungle-sheep, sambhar and all other descriptions of deer, bison, hares, jungle-fowl, spur-fowl, pea-owl, partridge, grouse, quail, wood-cock, bustare, florican, duck and teal, and shall include such other animals and birds as the Government of Mysore may by notification in the *Official Gazette*, declare to be game.

Absolute protection of particular classes other than "Game."

3. The Government of Mysore may, from time to time, by notification in the *Official Gazette*, prohibit absolutely the killing or capture of any specified kinds of animals or birds, the killing or capture of which the Government may consider unsportsmanlike or otherwise inexpedient, provided that such animals or birds do not come under the definition of "Game" for the time being in force.

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1. See the Mysore Adaptation of Laws Order, 1953.
2. Act II of 1901 was first published in the *Mysore Gazette*, dated 11th April, 901 (Part III).

Limited protection of particular classes killed for commercial purposes.

4. Whenever the Government of Mysore has reason to believe that any particular kinds of wild animals or birds, whether included in the definition of " Game " or not, are being largely destroyed for the sake of their skins, horns or plumage for commercial or other purposes, it may, by notification in the *Official Gazette*,

(*a*) prohibit the killing or capture of such particular kinds except under and in accordance with the conditions of a license, granted by such officer and in such form as the Government may prescribe in this behalf, and

(*b*) prohibit the killing or capture of such particular kinds either during a defined period of time, or within a defined area, or both.

Regulation of fishing.

5. (1) The Government of Mysore may, from time to time, by notification in the *Official Gazette*, make rules for the regulation and control of fishing in any stream or lake, and may, from time to time, amend or cancel any rule so made.

(2) Rules under this section may, among other matters, prohibit the poisoning of the water of any stream or lake, and prohibit or regulate the placing or throwing of any explosive or deleterious substance therein, and the use, for the capture of fish, of fixed engines and nets of a mesh below a certain size.

Close season and protection of game and fish.

6. The Government of Mysore may, from time to time, by notification in the *Official Gazette*,

(1) fix a season or seasons in every year during which it shall not be lawful for any person within any specified local area, to kill or capture, or attempt to kill or capture, game or fish of any specified kind;

(2) prohibit altogether, for any period not exceeding five years, within any specified local area, the killing or capture of game or fish of any specified kind;

(3) prohibit absolutely the killing or capture of the mature females or immature males or females of any specified kinds of game, or the taking out or destruction of the eggs of game birds;

(4) prohibit or regulate the setting of nets, snares, traps, or spring-guns, the laying of poison or poisonous ingredients or preparations, or the

digging of pits, to entrap or kill game or any specified kinds of game;

(5) regulate or prohibit, except under, and in accordance with the conditions of a license granted as provided by rules to be framed by the Government, the capture and killing of game or of any specified kinds of game;

and may, from time to time, amend or cancel such notification:

Provided that no such notification shall have effect until one month from the date of its first publication in the *Official Gazette*.

Rules about the sale of game and fish.

7. The Government of Mysore may, from time to time, by notification in the *Official Gazette*, make rules regulating the sale of game and fish within any specified local area.

Penalty for certain offences.

8. Any person who wilfully kills, captures or sells, or attempts to kill, capture or sell, any animal, bird, game or fish, or does any other act, in contravention of this Act or of any rules or notification under this Act in contravention of any condition contained in a license granted under this Act or under the rules made thereunder, shall be liable on conviction to fine not exceeding one hundred rupees.

Disposal of killed or captured game or fish, or weapons, etc., belonging to the offender convicted under section 8.

9. When any person is convicted of an offence punishable under this Act, the convicting Court or Magistrate may direct that the whole or any portion of any animal, bird, game or fish, killed or captured by such person and of all weapons, implements and dogs used in and for the purpose of aiding the commission of such offence, shall be confiscated, and any license granted under this Act to such person may be cancelled by the officer who granted such license.

Fees, fines, etc., realized under Act. Rewards to informants.

10. Subject to such rules as the Government of Mysore may, from time to time, prescribe, all fees, fines levied, and sums realized by the sale of property confiscated under this Act, shall be paid into the public treasury. But the convicting Court or Magistrate may award to any person or persons on whose information the conviction was obtained, the whole or any portion of any fine imposed or of any sum realized as aforesaid.

Power to Forest and other officers to make arrests of offenders under this Act.

11. Any Forest Officer and any other Officer or person empowered, in this behalf, by the Government of Mysore or by a subordinate Revenue authority to which the Government may have delegated its authority for the purpose may arrest, without a warrant, any person who commits in his view any offence punishable under this Act or the rules thereunder, and who, on demand, refuses to give his name and address or gives a name and address which there is reason to believe is false.

Exception.

12. Nothing in this Act shall be deemed to prevent any owner or occupier of land from killing, capturing or pursuing game, doing damage to any crop growing thereon, so far as the same may be necessary for the protection of the crop.